



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

**AUG 19 2005**

Thomas M. Jackson, Jr.  
President  
Virginia Board of Education  
227 North Main Street  
Hillsville, VA 24343

Dear President Jackson:

I am writing in response to Virginia's request to amend its State accountability plan under Title I of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). The changes you requested are aligned with NCLB and are now included in an amended State accountability plan that Virginia submitted to the Department on June 27, 2005. The changes are listed in an attachment to this letter. I am pleased to fully approve Virginia's amended plan, which we will post on the Department's website.

If, over time, Virginia makes changes to the accountability plan that has been approved, Virginia must submit information about those changes to the Department for review and approval, as required by section 1111(f)(2) of Title I. Approval of Virginia's accountability plan is not also an approval of Virginia's standards and assessment system. As Virginia makes changes in its standards and assessments to meet requirements under NCLB, Virginia must submit information about those changes to the Department for peer review through the standards and assessment process.

Please also be aware that approval of Virginia's accountability plan for Title I, including the amendments approved above, does not indicate that the plan complies with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act.

I am confident that Virginia will continue to advance its efforts to hold schools and school districts accountable for the achievement of all students. I wish you well in your

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school improvement efforts. If I can be of any additional assistance to Virginia in its efforts to implement other aspects of NCLB, please do not hesitate to call.

Sincerely,

  
Henry L. Johnson

Attachment

cc: Governor Mark Warner

Dr. Jo Lynne DeMary, Superintendent of Public Instruction

## **ATTACHMENT: Amendments to the Virginia Accountability Plan**

This attachment is a summary of the amendments. For complete details, please refer to the Virginia accountability plan on the Department's website:  
[www.ed.gov/admins/lead/account/stateplans03/index.html](http://www.ed.gov/admins/lead/account/stateplans03/index.html).

### **Stratified graduation rate for Individualized Education Plan (IEP) and limited English proficient (LEP) students (Element 7.1)**

Revision: Virginia requests that a student's IEP team may determine the standard numbers of years for a student with disabilities to graduate with a regular diploma; for LEP students, the LEP team would determine the standard number of years.

### **Counting the best test score (Element 3.2)**

Revision: Virginia will count in AYP determinations the test results from "expedited tests," a re-test given to students who miss the first test administration or fail it within a specified margin.

### **Annual proficiency targets (Elements 3.1 and 3.2b)**

Revision: Virginia will revise its annual measurable objectives for reading and mathematics to reflect an annual increase instead of increases every three years.

### **Minimum subgroup size (Elements 5.5 and 10.2)**

Revision: Virginia will use a new minimum "n" – the greater of 50 or 1 percent with a cap of 200 students—to determine whether a subgroup meets the minimum size for receiving an AYP determination for proficiency in reading and mathematics.

### **Division (LEA) identification (Element 1.6)**

Revision: Virginia will identify divisions as in need of improvement if they miss AYP in the additional indicators or same subject across all grade spans for two consecutive years. In implementing this provision, Virginia should 1) monitor districts that have not made AYP in one grade span but have not been identified for improvement to ensure they are making the necessary curricular and instructional changes to improve achievement, and 2) take steps to ensure supplemental services are available to eligible students from a variety of providers throughout the state (including in districts that have not been identified for improvement but that have schools that have been in improvement for more than one year).



**Assessment of SWD (Element 5.3)**

Revision: Virginia will use the "proxy method" (Option 1 in our guidance dated May 7, 2005) to take advantage of the Secretary's flexibility regarding calculating AYP for the students with disabilities subgroup for 2004-05. Virginia will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Virginia will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004-05 school year.